

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DAWN CUTILLO, <i>et al.</i> ,	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
DAVID CUTILLO, <i>et al.</i> ,	:	
Defendants	:	Civil No. 5:21-cv-02787-JMG
	:	
and	:	
	:	
IHA DISTRIBUTION, LLC	:	
Intervenor	:	

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**ORDER**

**AND NOW**, this 30<sup>th</sup> day of June, 2023, upon consideration of Defendants' Motion for Partial Summary Judgment (ECF No. 131), Plaintiffs' Response in Opposition (ECF No. 134), and Defendants' Reply Brief (ECF No. 136-1), and any exhibits attached thereto, and for the reasons provided in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** as follows:

1. Defendants' Partial Motion for Summary Judgment is **GRANTED** in part:
  - a. Defendants' Motion for Partial Summary Judgment is **GRANTED** with respect to Count Eight of the Second Amended Complaint.
  - b. Judgment is **ENTERED** in favor of Defendants and against Plaintiff Infinity Health, LLC as to Count Eight only.
  - c. This Court declines to exercise supplemental jurisdiction over Plaintiffs' remaining state law claims and Defendants' and Intervenor's counterclaims, and they are **DISMISSED without prejudice**.

2. The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

BY THE COURT:

*/s/ John M. Gallagher*

JOHN M. GALLAGHER

United States District Court Judge